

00 JULY 1996

Security



JUVENILE SERVICES PROGRAM

COMPLIANCE WITH THIS INSTRUCTIONS IS MANDATORY

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This instruction establishes the Sheppard AFB Juvenile Service Program and provides program guidance. It implements AFPD 31-2, Law Enforcement, applies to all active duty personnel and their family members, as well as DOD and other civilian personnel employed at Sheppard AFB.

PRIVACY ACT STATEMENT: This publication is affected by the Privacy Act of 1974. Title 10 USC 8012 authorizes the system of records required in this publication. Each form subject to the provisions of AFR 12-35, paragraph 8, required by this publication contains a Privacy Act Statement, either incorporated into the body of the document or in a separate statement accompanying each document.

PURPOSE: To rehabilitate and teach citizenship to the youth on Sheppard Air Force Base through an intermediate level of action short of barmment. The program also provides a means in which to interact with the juvenile offender. To foster a positive relationship between the offender and the Security Police.

1. Terms Explained.

1.1. Juvenile. Synonymous with child and defined as anyone under the age of eighteen years.

1.2. **Wichita County Juvenile Services (WCJS).** A program of juvenile education, rehabilitation, community service, and restitution operated by Wichita County.

1.3. Juvenile Services Officer (JSO). A person(s) assigned by the Chief, Security Police to manage the program and enforce the disposition of juvenile offenders. The JSO is permitted to wear civilian attire when appropriate. The JSO will coordinate closely with the operations section and SP investigators and will provide investigative support to aid in the detection, prevention, suppression, and investigation of juvenile crimes on the installation.

1.4. Juvenile Corrections Officer (JCO). The JCO administers the program. The JCO reviews juvenile misconduct and provides recommendations to the installation commander for rehabilitation, community-based service, restrictions, and when warranted, referral to either the Wichita County Juvenile Services (WCJS) office or the juvenile criminal justice system. Each recommendation is subject to the approval/disapproval of the Commander, 82d Training Wing. This authority is delegated to the Commander, 82d Support Group. The JCO is appointed by the Commander, 82d Support Group.

1.5. **Misconduct.** A violation of statute or regulation including “status offenses.” Status offenses are those which, if committed by an adult, would normally not be an offense and include such offenses as truancy, curfew violation, runaway, use of offensive language, disturbing the peace, disrespect to adults, creating an intimidating environment, etc...

1.6. **Sponsor.** Normally the military member who is parent or guardian of a juvenile. As used in this document, sponsor may mean parent, or guardian.

2. Responsibilities.

2.1. The Commander, 82 TRW appoints the JCO (normally the SPTG/CD).

2.2. The Chief, Security Police, appoints the JSO and oversees the Juvenile Services Program.

2.3. The Staff Judge Advocate reviews juvenile case files and makes recommendations to the JCO on the disposition of each case.

2.4. The JSO:

2.4.1. Reviews reports of juvenile misconduct and collects information concerning the offense, including names of juveniles, their sponsors/parents/guardians, circumstances of the offense, and damages caused by the juvenile(s) (to include monetary estimates). Documents containing information pertinent to the incident may include desk blotters, incident reports, written statements of victims/witnesses/suspects, and field interview cards.

2.4.2. Maintains a case tracking log listing each case.

2.4.3. Prepares each case file for review by the 82 TRW/JA and presentation to the JCO.

2.4.4. Contacts sponsors of juvenile offenders and informs them of the procedures followed in the Sheppard AFB Juvenile Service Program.

2.4.5. Offers sponsors the opportunity to accept responsibility and make restitution for damages or other losses suffered by victims of a juvenile offense.

2.4.6. Routinely visits facilities and areas used by juveniles, especially on weekends and holidays.

2.4.7. Provides information and/or briefings related to juvenile crime and crime reduction to local schools, truancy and probation officers, the crime prevention/resource protection specialist, investigations, field contacts, Drug Abuse Resistance Education (D.A.R.E.) instructors, etc.

2.4.8. May assist the D.A.R.E. instructor with presentations in local schools on or around the military community.

2.4.9. Interacts with juveniles through various youth-oriented activities to deter juvenile crime.

2.4.10. Performs other duties as listed in this instruction.

2.4.11. Coordinates with other agencies providing youth activities, including but not limited to the Youth Activities Center, Family Support Center, etc.

2.5. The JCO:

2.5.1. Reviews cases of misconduct committed by juveniles on Sheppard AFB, regardless of parent-service affiliation.

2.5.2. Determines whether to:

- Refer the juvenile for prosecution by the civilian District Attorney, for crimes committed in other than exclusive jurisdiction.
- Refer the juvenile directly to the Wichita County Juvenile Services (WCJS) agency for entry into a

supervised juvenile diversion program incorporating community service, education, and restitution.

- Refer the juvenile (and sponsors) to family counseling services.
- Recommend barring the juvenile from the installation.
- Dismiss the case against the juvenile.
- Impose a combination of the above actions.
- Impose other actions or treatment not listed above.

3. Offenses Subject to JCO Review. The following juvenile offenses may be subject to review by the JCO; however, the JCO may elect to review any juvenile misconduct case.

- Burglary/housebreaking.
- Vandalism or malicious mischief. Includes damage(s) to government and private property.
- Theft/larceny/misappropriation. Includes shoplifting.
- Assault and/or battery.
- Disorderly conduct, terroristic threats, and harassment.
- Truancy.
- Curfew violation.
- Runaway.
- Use of offensive language.
- Disturbing the peace.
- Disrespect to adults.
- Creating an intimidating environment.

4. Who Can Recommend JCO Appearance.

Recommendations to appear before the JCO will normally not be made on on-going juvenile investigations until the case is closed and the juvenile offender is the subject. The following persons can recommend JCO appearance for juvenile misconduct:

- Installation Commander (82 TRW/CC)
- JCO
- Staff Judge Advocate
- Chief, Security Police
- Commander/First Sergeant of the sponsor
- Juvenile Services Officer (JSO)

5. JCO Scheduling. The JSO, upon receiving a case recommended for review by the JCO, will:

5.1. Contact Wichita Falls Juvenile Services and ensure the case falls within the purview of their program. (Class B Misdemeanor or greater as defined by the Texas Penal Code.)

5.2. Contact the JCO's secretary to schedule a time, date, and location for the JCO to meet.

5.3. Prepare the JCO letter using captioned letterhead for the JCO's signature (see attachment 1). This letter

formally notifies the sponsor and juvenile of their mandatory appearance before the JCO.

5.4. Schedule each case being reviewed by the JCO at least 30 minutes apart. This provides time to fully review each case. Points to remember:

- School days and hours
- Summer, Spring, and Christmas school breaks

5.5. Place the completed letter in a brown file folder marked "For Official Use Only"

5.5.1. Summarize the purpose of appearance before the JCO.

5.5.2. Recommend the JCO sign the notification letter to the sponsor.

5.5.3. Deliver the letter for coordination and signature.

5.6. Provide the JCO with a summary of the case(s) to be presented for review.

5.7. Upon return of the letter signed by the JCO, telephone the sponsor to arrange an initial interview with them and the juvenile.

6. Initial Interview. The JSO conducts an initial interview with the juvenile and his/her sponsor. The purpose of the interview is five-fold:

6.1. To advise sponsor of the JCO's purpose.

6.2. To provide insight into the juvenile's background and involvement in the case.

6.3. Sponsor's acknowledgment and receipt of the mandatory JCO appointment.

6.4. To advise sponsor and the juvenile of their responsibilities.

6.5. To answer any questions the sponsor may have.

7. Initial Interview Procedures. Each interview should be documented, as applicable, on the JCO Notification Checklist and Follow-Up Record/Continuation Sheet.

7.1. Telephone notification of the appointment.

7.1.1. Call the sponsor, identify yourself and state your purpose.

7.1.2. Advise the sponsor of the incident involving his/her juvenile family member and what actions are necessary for

compliance. (NOTE: Due to TDY, deployments a sponsor may be unable to attend the JCO. In this case, the spouse may complete all actions required by the sponsor.)

7.1.3. Answer any questions asked by the sponsor. However, schedule an appointment with the sponsor, spouse (if applicable), and juvenile to meet with you at the JSO office for detailed discussion and further information.

7.1.4. If neither the sponsor or spouse and juvenile will be in the area for the JCO due to military commitments, leave, etc., keep the juvenile's folder and continue to collect pertinent information about the case. Reschedule him/her for a later JCO.

7.2. Preparation for Office Interview. Complete the following actions prior to the scheduled arrival of the sponsor and juvenile:

7.2.1. Review the juvenile's case. Reorient yourself to the case, the juvenile's role in it, and develop questions to be asked to clarify the juvenile's involvement.

7.2.2. Have the case ready for review if questions arise about the juvenile's involvement.

7.2.3. Have the JCO appointment letter ready for signature/receipt by the sponsor, and be prepared to provide sponsor with his/her copy.

7.3. Interview at Office. This phase should help determine the juvenile's involvement and possible contributing factors in the incident.

7.3.1. When the sponsor and juvenile arrive, introduce yourself and welcome them into your office.

7.3.2. Tell them the purpose of the JCO and provide them with a copy of the purpose statement (attachment 2).

7.3.3. Advise the sponsor of reporting requirement. If only the spouse can attend, he/she will be directed by the JCO.

7.3.4. Answer any questions the sponsor may have.

7.3.5. Have the sponsor (or spouse) sign the original JCO appointment letter acknowledging receipt. Give him/her a copy.

7.4. Interview the juvenile. Ask the juvenile about:

7.4.1. What friends and hangouts he/she has.

7.4.2. Where he/she goes to school (or where he/she will go to school).

7.4.3. Who his/her teachers and counselors are.

7.4.4. What activities he/she participates in, or those he/she frequents (Youth Center, gym, skating rinks, youth organizations, etc.).

7.4.5. Any medical treatment, including mental health, that he/she may be receiving.

7.4.6. Any other information pertinent to the juvenile's participation, personality, etc.

7.4.7. Before asking about the juvenile's involvement in the offense, advise the juvenile of his/her rights IAW the 5th Amendment to the US Constitution in the presence of the sponsor using AF Form 1168, Statement of Suspect/Witness/ Complainant. If the sponsor invokes the juvenile's right to remain silent and/or to speak to an attorney, terminate the interview and remind the sponsor of the date and time for the JCO meeting. Otherwise, proceed with the interview. If the juvenile will not talk to you because of the presence of the sponsor, diplomatically ask the sponsor to wait outside. If you recognize any form of abuse, neglect, maltreatment, etc., which may be a contributing factor to the juvenile's conduct, you must obtain as much information as possible to refer it to a support agency (SPOI, AFOSI, Social Actions, Family Advocacy, Chaplain, etc.). Inform the CSP, SJA, and JCO.

7.5. When the interview is complete, evaluate the information received.

8. Preparing JCO Case Review Folders. Use a separate folder for each case. Include the following documentation:

8.1. DD Form 1569, Incident/Complaint Form, identifying the juvenile as a subject.

8.2. Juvenile Worksheet.

8.3. AF Form 110, Individual Incident Reference Record or SPAS generated printout of prior involvement in other incidents.

8.4. Copies of AF Form 1168, from each suspect and witness to the incident.

8.5. Any other documentation pertinent to the case (records from Wichita Falls PD, county sheriff, WCJS, etc.).

9. The JCO. On JCO day, the JSO:

9.1. Sets up the JCO meeting room NLT 30 minutes prior to the scheduled meeting.

9.2. Provides note-taking material (pencils, paper) for the JCO and the sponsor.

9.3. Records the minutes of the JCO meeting.

9.4. Ensures the first appointment will arrive on time. If the first appointment will be late and a later appointment has arrived, proceed with the next case.

10. Conducting the JCO Meeting.

10.1. The JSO brings in the sponsor and juvenile and seats them in front of the JCO.

10.2. The JSO presents the case by briefly summarizing the allegations against the juvenile.

10.3. The JCO introduces himself, states the purpose of the meeting, asks the juvenile to explain his/her involvement in the case, and permits questioning by the sponsor.

10.4. When the JCO believes all information has been heard, he asks the juvenile and parent to wait outside the room (The sponsor may be asked to remain temporarily to answer other pertinent questions).

10.5. The JCO deliberates on the recommendations for disposition. When ready to see the sponsor and juvenile again, the JSO will ask them to return to the room.

10.6. The JCO will inform the sponsor and juvenile of his recommendation and answer any questions from the sponsor or juvenile. Afterward, the sponsor and juvenile are dismissed. The JSO will advise the sponsor that he/she will be recontacted when the JCO's decision receives final approval.

10.7. When the JCO meeting is complete, the JSO collects each folder and provides the JCO with any additional information they need.

10.8. The JSO prepares the minutes of the JCO meeting for the signature of the JCO.

11. Possible JCO Actions. Though not all inclusive, the following are examples of actions the JCO may recommend or impose on the juvenile.

11.1. Referral to Wichita County Juvenile Services. Require participation in and satisfactory completion of a program of education, rehabilitation, community service, and/or restitution conducted by the WCJS Agency.

11.2. Community Service. An imposed period of service to the base community supervised by the parent.

11.3. Probation. An imposed period of supervision and evaluation by the JSO for a certain period of time.

11.4. Curfew. An imposed hour by which the juvenile will have to be home unless he/she is with the sponsor.

11.5. Limited Privileges. Applies to those whose misconduct warrants a revocation of AAFES or commissary privileges, or limited access to SVS or other base facilities.

11.6. Restitution. The voluntary repayment of damages by the offender. May be a part of the WCJS program or may be separate and monitored by the JSO.

11.7. Counseling. Referral to professional counseling by support or social service agencies.

11.8. Suspended driving privileges.

11.9. Suspended barment (Prohibited Entry Order -- Suspended). An imposed period of barment from the installation. However, it is suspended contingent upon good behavior.

11.10. Barment (Prohibited Entry Order). An imposed period where the offender is barred from the installation. May include limited access privileges (hospital only, etc.).

11.11. Other actions deemed appropriate by the JCO.

12. After the JCO Meeting. The JSO prepares the results of the JCO meeting for review and approval by the installation commander. The following documents are included in the staff package as appropriate:

12.1. AF Form 1768, completed for the signature of the CSP. Route for coordination through 82 TRW/JA/CCEA/SEA/CCE/CV and for approval to 82 TRW/CC.

12.2. JCO Minutes

12.3. JCO Action Letter for signature of the installation commander. This letter imposes the recommendations of the JCO on the sponsor and juvenile. In some instances, this may be a warning letter instead of an action letter.

12.4. Suspended Barment or Barment Letter.

12.5. Confiscation of Military ID Card Letter (if not previously issued by the on-duty LE shift upon initial apprehension of the juvenile, the JSO will issue the document).

12.6. Suspended or Revoked Driving Privileges Letter.

13. Juvenile Personal Information File (PIF). The JSO will establish a PIF on each juvenile and maintains the PIF until:

13.1. The sponsor's PCS, separation, or retirement (if the sponsor separates or retires and remains in the local area, maintain the PIF until the juvenile becomes 18 years of age).

13.2. The Juvenile becomes 18 years of age.

13.3. The juvenile marries.

14. Advisement of Disposition to Sponsor and Responsibilities of Juveniles. The JSO ensures the sponsor and juvenile understand their duties and responsibilities in complying with the approved actions of the JCO. The JSO:

14.1. Schedules an appointment with the sponsor and juvenile to inform them of the approved actions. The JSO provides information and explains the details and requirements.

14.2. Has the sponsor receipt for notification documents.

15. Failure to Comply with Approved JCO Actions. The JSO monitors and enforces the approved actions. Failure by the juvenile or sponsor to meet any of the conditions of the installation commander's order will be documented as a "Failure of Juvenile Services Program" and forwarded to the JCO with an AF Form 1768.

15.1. What constitutes a failure:

- Failure to make restitution.
- Failure to satisfactorily participate in the WCJS program as directed (the report and evaluation provided by that program will be used to determine satisfactory participation).
- Failure to cooperate with the JSO.
- Continued delinquency or offenses.
- Unexcused absences from school.
- Violations of conditions stated in the installation commander's action letter.

16. Offender Attendance and Conduct at School On or Off Base. Each juvenile offender will comply with the instructions established by the installation commander. The offender's school attendance and conduct will be monitored as long as the juvenile is in active status in the juvenile services program, to include conduct on and off the installation, except when:

- The juvenile is barred.
- Is on summer, winter, or spring breaks.
- Is attending college or vocational schools.

- Is on regular or emergency leave with his/her sponsor during the school year.

17. Referral to Wichita County Juvenile Services. The JCO may refer a juvenile to the WCJS program for entry into their curriculum of education, rehabilitation, community service, and restitution (as applicable) and may require successful completion of the program as a condition of diversion.

17.1. On recommendation of the JCO and approval by the installation commander, the JSO prepares a file for the Wichita County Family Court Services/Juvenile Services program containing the following:

- DD Form 1569.
- Juvenile Information Report.
- Family Court Petition signed by the Chief, Security Police.

17.2. Coordination. All cases referred through the JSO for Wichita County Juvenile Service program entry will be coordinated with SPA, CSP, and JA.

17.3. Monitoring. The JSO will continue to monitor the juvenile through the WCJS officer assigned to the case.

18. Disposition of Juvenile Cases.

18.1. Satisfactory Completion. Upon satisfactory completion of the terms and conditions imposed by the JCO and agreed to by the sponsor and juvenile, and considering that no further offenses have occurred, the juvenile may be released from supervision and his/her case file may be moved to an inactive status. The JSO will maintain the file according to the instructions in paragraph 13.

18.2. Unsatisfactory Performance. If the juvenile or his sponsor fails to satisfactorily comply with the terms and conditions imposed by the JCO and agreed to by the sponsor and the parent, the JSO will present the case to the next meeting of the JCO. The JCO will review the case and recommend to the installation commander action to be taken against the juvenile and/or sponsor. The JCO may recommend any action(s) listed in paragraph 11, and will normally impose a more severe action than previously imposed.

19. Forms Prescribed. AF Form 110, **Individual Incident reference Record**, AF Form 1168, **Statement of Suspect/Witness/Complainant**, AF Form 1768, **Staff Summary Sheet**, DD Form 1569, **Incident/Complainant Report**.

THOMAS A. WHAYLEN, Colonel, USAF
Vice Commander

Attachments:

1. Agreement for Juvenile Diversion
2. Notification Letter

AGREEMENT FOR JUVENILE DIVERSION

It appearing that you were reported to have committed the offense of _____ on or about _____, in that you did: _____

Upon your accepting responsibility for your behavior, and by your signature on this agreement, along with the written consent of your sponsor, it appearing after an investigation of the offense and your background, that the interest of Sheppard Air Force Base, your own interests, and the interest of justice will be served by the following procedure; therefore:

On the authority of the Installation Commander, Brigadier General Michael E. Zettler, administrative action for this offense shall be deferred for a period of six months from this date, provided you abide by the following conditions and requirements of this agreement set out below. Furthermore, this office will defer recommending criminal action by the state or federal authorities for the same period.

Should you violate the conditions of this agreement, 82d Support Group Deputy Commander (82 SPTG/CD) may revoke or modify any conditions of this Juvenile Diversion program. 82 SPTG/CD may release you from the diversion program at any time. 82 SPTG/CD may at any time within the period of your diversion program, initiate administrative action or recommend that criminal charges be reinstated for this offense should you violate the conditions of this agreement. In that case, he will furnish you with notice specifying the conditions of the agreement that you have violated.

After successfully completing your diversion program and fulfilling all the terms and conditions of the agreement, no prosecution or administrative action for the offense set out on page one of this agreement will be instituted and the charges against you, if any, will be dismissed.

Neither this agreement nor any other document filed as a result of your participation in the Juvenile Diversion program will be used against you in connection with any prosecution for the above described offense.

CONDITIONS OF JUVENILE DIVERSION

1. You shall not violate any law (federal, state, or local).
2. You shall attend school or work regularly at a lawful occupation. If you attend school, you must maintain a "C" average. If you lose your job or are unable to attend school, you shall notify the Juvenile Services Officer (JSO) immediately.
3. You must inform the JSO of any change of address or telephone numbers.
4. You shall report to the JSO as directed.
5. You shall participate in the Wichita Falls First Offender, or Positive Step program.

I certify that I am aware of the fact that the Sixth Amendment to the Constitution of the United States provides me a right to a speedy and public trial. I have also been informed that in some cases, state and federal courts may dismiss any indictment, information, or complaint for unnecessary delay in presenting the charge to a grand jury, filing an information, or in bringing a defendant to trial.

I hereby request deferral of any prosecution for the aforementioned offenses for a period of six months and to induce the state and federal authorities to defer such prosecution, I agree and consent that any delay from the date of this agreement to the date in initiation of prosecution as provided for in the terms expressed herein shall be deemed to be a necessary delay at my request and I waive any defense to such prosecution on the ground that such delay operated to deny me my rights. Furthermore, I agree that this agreement shall serve to toll the Statute of Limitations for the aforementioned offense(s) for a period of months equal to the period of this agreement.

I understand that I have a right to consult an attorney. I understand that 82 SPTG/CD and Sheppard Air Force Base are not acting as my attorney.

I hereby state that the above has been read and explained to me. I understand the conditions of my Juvenile Diversion program and agree that I will comply with them.

Name of Divertee

Date

I have read the terms of my child's Juvenile Diversion program.

I understand and agree to (his)(her) participation in this program.

I understand that I will be required to be present and participate with my child at all times.

I understand that I have a right to consult an attorney. I understand that 82 SPTG/CD and Sheppard Air Force Base are not acting as my attorney.

I hereby agree to hold harmless 82 SPTG/CD and Sheppard Air Force Base, for any injuries to myself or my child that might occur as a result of my child's participation in the Juvenile Diversion program.

Parent/Sponsor

Date

Deputy Support Group Commander

Date

82 SPTG/CD
419 G Avenue Ste 7
Sheppard AFB TX 76311-2947

SSgt John J. Doe
Mary Doe
20A Any Street
Sheppard AFB, TX, 76311

SSgt Doe

Preliminary investigation has disclosed that Mary Doe, has committed the following offense: Shoplifting.

After reviewing the circumstances of this offense we have made a preliminary determination that your child's case may be appropriately handled through our juvenile diversion program. Juvenile diversion means that this office will not proceed with more serious administrative action against your child or recommend criminal prosecution by the state or federal authorities. Instead, if you qualify and are accepted, you and your child will be required to participate in the juvenile diversion program under certain specified conditions described in a written agreement between you and the Government for a term to be determined by the 82d Support Group Deputy Commander.

If you and your child satisfactorily fulfill the conditions and the terms of your program, the charges against your child will be dropped and your child will not have a permanent criminal record. If you or your child fail to complete the program, you will both be removed from the juvenile diversion program and more serious administrative/criminal action will be considered against your child.

A decision to participate in this program is one that ultimately must be made by you and your child.

If you desire to be considered for the juvenile diversion program, please fill out the agreement for Juvenile Diversion. A hearing has been scheduled with the Juvenile Corrections Officer for **11 June 1996 at 1600.**

Any information furnished in connection with your application for juvenile diversion is confidential and will not be admissible on the issue of guilt in subsequent criminal proceedings.

If you are unable to report on the aforementioned date, please call the Juvenile Services Officer at 676-5164 for another appointment. Please do not fail to report or communicate on this matter.

Parent/Sponsor

Date

Deputy Support Group Commander

Date